

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN CASAUS,

Petitioner,

vs.

Civ. No. 20-1269 WJ/KK

TIMOTHY HATCH, *et al.*,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on United States Magistrate Judge Kirtan Khalsa's Proposed Findings and Recommended Disposition (Doc. 32), filed October 16, 2023. In the Proposed Findings and Recommended Disposition, Magistrate Judge Khalsa found that Mr. Casaus has filed a mixed petition containing both exhausted and unexhausted claims. Judge Khalsa specifically found that Mr. Casaus failed to exhaust his claims that the State manipulated a minor witness, N.V., into making incriminating statements (Ground 2), that the state district court abused its discretion by denying Mr. Casaus' motion for an independent psychological evaluation assessing N.V.'s memory of the day of Omaree Varela's death (Ground 3), and that the four errors he alleged in the petition cumulatively denied him a fair trial (Ground 5). (*Id.* at 8–10.) Judge Khalsa therefore recommended that the Court give Mr. Casaus 30 days to voluntarily dismiss these unexhausted claims. (*Id.* at 12.) Judge Khalsa further recommended that, if, within 30 days, Mr. Casaus does not elect to dismiss the unexhausted claims, the Court should dismiss the Petition without prejudice. (*Id.*)

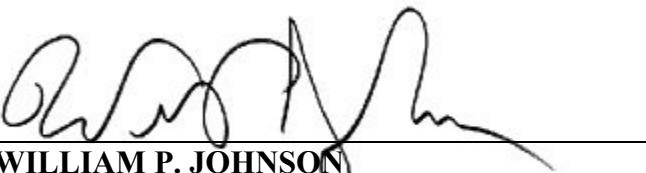
Judge Khalsa notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. (*Id.* at 13.) Neither party has filed objections to the PFRD thereby

waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Upon review of the record, I concur with Judge Khalsa's findings and recommendations and hereby ADOPT the Proposed Findings and Recommended Disposition (Doc. 32).

IT IS THEREFORE ORDERED that:

1. Mr. Casaus has 30 days from the date of the entry of this Order to voluntarily dismiss his unexhausted claims (Grounds 2, 3, 5). If Mr. Casaus fails to do so, his Petition will be dismissed without prejudice.

IT IS SO ORDERED.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE